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U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
BCIS; AAO, 20 Mass, 3/F
Washington, D.C. 20536

[redacted]

File [redacted] Office: Texas Service Center Date: JUL 17 2003

IN RE: Petitioner:
Beneficiary: [redacted]

Petition: Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the "Act"), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

ON BEHALF OF PETITIONER: [redacted]

INSTRUCTIONS:
This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Bureau of Citizenship and Immigration Services (Bureau) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of $110 as required under 8 C.F.R. § 103.7.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The approval of the immigrant visa petition was revoked by the Director, Texas Service Center and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner is a church. It seeks classification of the beneficiary as a special immigrant religious worker pursuant to section 203(b)(4) of the Immigration and Nationality Act (the "Act"), 8 U.S.C. § 1153(b)(4), in order to employ him as a missionary.

The Form I-360 petition was filed on August 20, 1996 and was approved on January 11, 1996 by the Director, Texas Service Center. Upon further review during the adjustment of status process, it was determined by the Bureau that the beneficiary was not eligible for the benefit sought. The director determined that the beneficiary was engaged in primary employment outside the regulations and was dependent upon this employment as a dentist for support.

The director properly served the petitioner with a notice of intent to revoke approval of the petition on October 9, 2001, and afforded the petitioner an opportunity to rebut the adverse determination. After consideration of the petitioner's response, it was determined that the grounds of ineligibility had not been overcome. In a decision dated June 5, 2002, the director revoked approval pursuant to 8 C.F.R. § 205.2. The petitioner, by and through counsel, has appealed that decision.

On appeal, the petitioner's counsel states that the notice of Intent to Revoke was never received by his office. Counsel requests that he be given time to respond to the Notice of Intent to Revoke.

It appears that the Notice of Intent to revoke and the Notice of Revocation was not sent to counsel's most current address of record at the time. However, on June 21, 2002, counsel did submit a Form I-290B Notice of Appeal to the Administrative Appeals Unit, now the AAO, appealing the director's decision. By so doing counsel has acknowledged the revocation of the instant petition. Further, counsel has had over a year to respond to the Notice of Intent to Revoke the petition. As of this date, however, no additional statements or evidence has been received and the record will be considered complete as presently constituted.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

> An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

[redacted]

Inasmuch as the petitioner has failed to identify specifically any erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

ORDER: The appeal is summarily dismissed.